

Unofficial translation
LAW OF MONGOLIA

Date: 4 February 2016

LAW ON PROCEDURE OF ADMINISTRATIVE COURT

(RENEWED)

CHAPTER ONE
COMMON RATIONALE

Article 1. Purpose of the Law

1.1. The purpose of this law is to regulate affairs relating to procedures of the administrative court in response to claims by private persons and legal entities against allegedly illegal acts by administrative agencies which violate legal rights and interests, or may potentially violate rights and legal interests, and to protect legal rights and interests and as well as claims by persons who represent the public interest and by administrative agencies, if specified in law.

Article 2. Legislation on administrative court procedures

2.1. Legislation of administrative court procedures comprises the Constitution of Mongolia [1], the General Administrative Law 3 [2], the Mongolian Law on Courts [3], the Law on Legal Status of Judges [4], this law and other legislation made in conformity with these legislative acts.

Article 3. Definition of Terminology

3.1. Terminologies used in this law shall carry the following meanings:

3.1.1. “Administrative agency (organizations, in some cases)” refers to organizations as specified in Article 5 of the General Administrative Law;

3.1.2. “Administrative action” refers to actions as specified in Article 11 of General Administrative Law;

3.1.3. “Claim” refers to a petition lodged in the administrative court by a private citizens or legal entity against allegedly illegal acts of administrative agencies which it is claimed result in violation of legal rights and interests, or may potentially violate rights and legal interests, and to protect such legal rights and interests, as well as petitions from persons who represent the public interest, and administrative agencies, if specified in the law, for resolution of disputes raised in relation to implementation of public administration functions;

3.1.4. "Decision of first instance court" refers to a decision made by the first instance administrative court after reviewing and resolving an administrative case;

3.1.5. "Court order" refers to a decision made by a panel of judges or by an appellate level court after reviewing an administrative case through the administrative court process;

3.1.6. "Court judgment" refers to a decision made by the appellate level administrative court when adjudicating an administrative case;

3.1.7. "Order of judge" refers to a decision made solely by a judge in the process of adjudicating an administrative case;

3.1.8. "Judgment" refers to a decision imposing sanctions according to law on persons who responsible for violations in the process of an administrative court adjudicating administrative cases;

3.1.9. "Authorized person representing the public interest at the administrative court" refers to a person or NGO entitled by the operation of law meeting requirements as stated in Provision 18.3 of this law;

3.1.10. "Individual person" may be a citizen of Mongolia, a foreign citizen or a stateless person.

3.1.11. "Complaint" refers application submitted to administrative court requesting to review the decision issued by the competent person specified by law, resolution and decision of a judge, petition requesting to review decision of court of first instance or appeal or conclusion made by the prosecutor issued according to law on infringement procedure law.

Article 4. Equality before the law

4.1. An administrative court procedure (hereinafter referred to as a court adjudication process) shall be based on the principle of equality, without discrimination of any person by ethnicity, language, race, gender, social origin, social status, property, job, position, religion, opinion, education or other, nor of any legal entity by type of ownership and size.

Article 5. Implementation of judicial power and independence of a judge

5.1. Judicial power shall be exercised by a court established according to law.

5.2. A judge shall be independent and shall be governed solely by law, and the independence of a judge shall be guaranteed by law.

Article 6. Debating principle (argument and debate)

6.1. The court adjudication process shall be based on the debate principle.

6.2. The debate principle shall apply to all stages of the court adjudication process.

6.3. Case participants, representatives and advocates (lawyers) shall debate by challenge and proof of case evidence, of faulty acts by participants, by legal grounds and by application of the law.

6.4. Case participants, representatives and advocates shall exercise equal rights in physical appearance at the trial in speech, written comment, and disclosure, exploration and analysis of evidence.

Article 7. Principle of burden of proof on court

7.1. An administrative court shall be responsible for the collection and assessment of evidence that is important for clarifying case context and adjudication of the case, and shall attract and involve participants in the case.

7.2. An administrative court's acceptance of the burden of proof does not restrain participant rights in the case, or the rights of representatives and advocates to submit evidence important to the case or interrogating evidence.

7.3. The principle stipulated in provision 7.1, 7.2 of this article is not subject to investigation of infringement.

Article 8. Language of judicial proceeding

8.1. The process of case adjudication shall be in the Mongolian language, with a record of proceedings in the official state language.

8.2. If a participant in the adjudication process does not understand the Mongolian language, they shall have the right to provide statements and testimony and to submit evidence in their native language or any other language and writing in which they are fluent, and if the participant cannot communicate in an official language and writing because of a disability, they may use sign language and special characters.

8.3. The court shall be responsible for including comments, testimony and evidence from persons stated in Provision 8.2 of this law, and for the process of adjudicating the case to participants via interpreters and translators.

8.4. Evidence in a foreign language shall be formally translated into the Mongolian language.

Article 9. Judicial proceedings to be public

9.1. All level court hearings shall be public.

9.2. If evidence and proceedings are classified as state, personal or organizational confidential, the court hearing and adjudication proceedings may be either partly or wholly closed in response to a request from a participant, representatives or advocate, or at the court's own initiative.

9.3. A persons without legal capacity, a person under influence of alcohol and/or narcotics, or a person under the age of 18 years and not case participants, shall not be permitted in the court room.

9.4. A persons under the age of 18 years attending the trial as a visitor and guided by a teacher or instructor and with permission from the chair of the court shall not be subject to Article 9.3 of this law.

Article 10. Continuous adjudication process

10.1. All level court hearings shall be continuous and non-stop through the day, except for necessary time for rest.

10.2. A judge and panel shall have no right to adjudicate any other case until the proceedings of the case under adjudication are finished, or until the adjudication process is formally postponed or suspended.

Article 11. Application of the law

11.1. In case adjudication, the court shall apply the Constitution of Mongolia, international treaties to which Mongolia is party, and other relevant legislation.

11.2. If a judge or panel should consider the laws under adjudication, or international treaties, are not in conformity with the Constitution of Mongolia, the judge or panel shall suspend proceedings and make a relevant application to the Supreme Court.

11.3. The Supreme Court shall discuss the application as in Provision 11.2 of this law, and if it finds the application well-grounded, shall submit a request to the Constitutional Court. If the Supreme Court considers the application insubstantial, they will return it to the court whence it came.

11.4. In the absence of a stand-alone law regulating the disputed affair, a court shall apply the law that regulates the issue in general. If there is no such law, the court shall resolve the case in conformity with the content, rationale and concepts of the Constitution of Mongolia.

11.5. If legislation other than the Constitution of Mongolia is in contradiction, the court shall apply the law that sets forth the most detailed regulations on the issue; without such a law, the court shall apply the most relevant law that last came into effect.

11.6. The court has no right to refuse to adjudicate a case on the grounds that there are no legal norms to regulate the dispute or if it is unclear that there is any such regulation.

11.7. A court may not exercise any right to refrain from applying legal norms on the grounds that laws contradict each other or that laws are contrary to commonly accepted moral norms.

Article 12. Mandatory enforcement of administrative court decisions

Article 12.1. Decisions by the administrative court shall be made in the following forms.

12.1.1. Decision of first instance court.

12.1.2. Court judgment.

12.1.3. Court order.

12.1.4. Order of judge.

12.1.5. Judgment.

12.2. All respective administrative agencies, legal entities, authorities and private persons in the territory of Mongolia shall be obliged to abide by and implement a court's decision as mandatory; failure to implement a decision voluntarily shall be subject to enforcement in compliance with grounds and rules set forth in the law.

Article 13. Disputes subject to adjudication in the administrative court

13.1. An administrative court shall adjudicate public law disputes other than those which fall into the jurisdiction of the Constitutional Court or other courts.

13.2. Actions as stated in Provision 3.1 of General Administrative Law shall not be under the jurisdiction of the administrative court.

CHAPTER TWO FILING A CLAIM TO COURT

Article 14. Period for lodging claims to the administrative court

14.1. Unless otherwise stated in law, and if the process of lodging a complaint is carried out in compliance with the General Administrative Law, a claim shall be submitted to Court of Administrative Case within 30 days of a decision of notification in the following cases.

14.1.1. Plaintiff disputes a decision by an upper-level administrative agency or an administrative agency with the function of redressing complaints.

14.1.2. The respective administrative agency has failed to comply with decisions by an upper-level administrative agency or an administrative agency with the function of redressing complaints.

14.2. If a complaint submitted to an upper-level administrative agency or an administrative agency with the function of redressing complaints remains unresolved within a period specified in the General Administrative Law, the claim shall be lodged within 30 days of expiration of the period.

14.3. If the law specifies direct lodgment of claims to the court, a claim shall be lodged within the legally stipulated period, or if no period is set, within 30 days of notification of the decision.

14.4. If there is no upper-level administrative agency or an administrative agency with the function of redressing complaints, a claim shall be lodged with the court within 30 days of notification of the administrative decision.

14.5. Claims requesting determination of the illegality of administrative acts by an administrative agency and claims on administrative acts setting norms shall not be subject to periods as stated in Provision 14.1-14.4 of this law.

14.6. If the period as stated in Provisions 14.1-14.4 of this law are exceeded for a legitimate reason, a private person, legal entity or person authorized to represent the public interest shall submit to the Court of Administrative Case a request for restoration of the period, along with supporting evidence, and a judge may allow restoration of the case for up to three years since expiration.

14.7. If set periods as stated in Provisions 14.1-14.4 of this law have expired, Provision 14.6 of this law shall not apply.

Article 15. Territorial jurisdiction of administrative cases

15.1. A claim shall be made to the court of administrative cases operating in the area where the administrative agency is located.

Article 16. Court jurisdiction

16.1. In the first instance an administrative court shall adjudicate primary level administrative cases.

16.2. An appellate-level administrative court shall adjudicate cases for which it is assigned for primary level adjudication, and administrative cases adjudicated in the first instance by courts for the appellate level.

16.3. The Supreme Court shall adjudicate cassation-level administrative cases.

16.4. The Supreme Court shall adjudicate administrative cases adjudicated by the appellate level administrative court which was the first instance court.

16.5. Disputes between first instance courts as to court jurisdiction shall be resolved by the Chief Judge of the appellate level administrative court.

16.6. If specified by law, appellate level administrative courts and the Supreme Court shall adjudicate cases under their exclusive jurisdiction, for first instance and appellate levels.

CHAPTER THREE LEGAL STATUS OF CASE PARTICIPANTS

Article 17. Case participants

17.1. Case participants may include plaintiff, defendant and third person/s.

17.2. Representatives, advocates, defendants and third persons are not considered standalone participants of an administrative case, but as persons expressing and protecting legal rights and interests of participants.

17.3. A person who lodged the claim as in Provision 3.1.3 of this law is called the plaintiff.

17.4. An administrative agency and officer who has implemented administrative actions concerned in the claim are called defendants.

17.5. Persons whose interests are affected by the disputed administrative act and agreement concerned in the claim are called third parties.

Article 18. Legal capacity of case participants

18.1. A person, legal entity and administrative organization shall have the right to join the adjudication process.

18.2. A judge may decide to involve and engage in the adjudication any organization empowered as a legal entity, if that organization is needed for the adjudication.

18.3. Persons authorized to represent the public interest, other than those exclusively entitled by law, shall have the right to lodge a claim to the court on the themes of environment, child rights, public health and public property; these organizations shall meet the following requirements.

18.3.1. The demand to be involved the claim must be consistent with the goals of the organization's by-laws.

18.3.2. The organization shall at least three years of involvement in work for the goals of the organization's by-law.

Article 19. Legal capacity of case participants

19.1. Persons with full legal capacity shall be entitled to exercise their rights in the court (as specified in the administrative norms), to take responsibility and to appoint a representative.

19.2. The rights and interests of a person with limited legal capacity, or a person incapacitated by mental disorder, or a person with limited legal capacity because of excessive or frequent consumption of alcohol and/or narcotics, shall be represented and their interests protected by parent, guardian or caretaker.

19.3. A person aged 16-18 years may at their own request take part physically in the adjudication process with permission from a parent, guardian or caretaker.

Article 20. Rights and obligations of a plaintiff

20.1. In taking part in an adjudication process, a plaintiff may exercise the following rights:

20.1.1. Modify the claim, increase or lessen the scope/magnitude of demand in the claim, partly or wholly withdraw a claim, and conciliate with the defendant.

20.1.2. Have access to demands and comments from case participant, representative and advocate, check evidence and case material, take notes and make copies, comment on this material, and participate in the trial.

20.1.3. Submit evidence, cross-examine a witness, ask for evidence from an expert, collect other evidence, remove part of the evidence, and request trial postponement on grounds specified by law.

20.1.4. Refuse a judge or panel, court secretary, translator and interpreter on grounds specified in the law.

20.1.5. Ask questions of trial participants.

20.1.6. Appeal a court decision and lodge a claim for cassation.

20.1.7. Other rights as specified by law.

20.2. A plaintiff shall be responsible for the following obligations in the adjudication process.

20.2.1. Arrive at the court in compliance with a court summons.

20.2.2. Comply with the adjudication procedure and trial regime.

20.2.3. Implement demand made by the judge.

20.2.4. Provide true and accurate statements on the case to the court.

20.2.5. Accept a court decision within the period specified by law.

20.2.6. Enforce legally valid court decisions.

20.3. For a person lodging a claim representing the public interest, it is prohibited to withdraw wholly or partly from a claim after case adjudication has begun.

Article 21. Rights and obligations of the defendant

21.1. A defendant may exercise the following rights in a case adjudication process.

21.1.1. Accept demand in the claim, implement/perform, conciliate with the plaintiff, or refuse conciliation;

21.1.2. Rights as specified in Provisions 20.1.2-20.1.7 of this law.

21.2. A defendant shall be responsible for the following obligations in case adjudication.

21.2.1. Provide written comments on the claim and submit all required evidence within a period set by the court.

21.2.2. Participate in the adjudication process, either him/herself or by a representative.

21.2.3. Obligations as in Provision 20.2 of this law.

Article 22. Rights and obligations of a third person

22.1. Third persons making independent demands on the facts and evidence in a dispute initiated by the main claimant, or persons who believe that their legal rights and interests are affected by the claim, shall be permitted to participate in the adjudication process either at their own request or a judge's request.

22.2. If a third person as in Provision 22.1 of this law does not participate in case adjudication, a relevant application may be submitted in writing.

22.3. A third party making an independent demand may exercise the same rights as case participants and shall be liable for the same obligations of case participants.

22.4. A third person who makes no independent demand may exercise the same rights and obligations of case participants except for the rights to modify the claim demands, increase or lessen the scope, accept and conciliate, or withdraw from the claim.

Article 23. Several persons jointly lodging a claim

23.1. Several plaintiffs may jointly lodge a claim with the same demand for case adjudication.

23.2. In cases as in Provision 23.1 of this law, the plaintiffs may appoint a representative and have the right to representation by authorization.

23.3. If 10 or more persons lodge a joint claim, a judge may ask them within 14 days of the start of the case to appoint a representative.

23.4. If these plaintiffs do not appoint a representative within the time as in Provision 23.3 of this law, the judge shall appoint a representative for them.

23.5. There may be up to five representatives. For a case with over 50 plaintiffs, a judge may permit an additional number of representatives.

Article 24. Co-defendant

24.1. One claim may have several defendants, who all have the right physically to participate in the case adjudication independently.

24.2. If co-plaintiffs decide that they have no conflict of interest with each other, no need all to attend the adjudication process, and a representative will not affect a court decision, they may appoint one of their number as their representative.

Article 25. Changing the defendant

25.1. If another person is found to be the real defendant, a judge shall change/replace the original defendant with the real defendant, with permission from the plaintiff.

25.2. If a plaintiff disagrees with a change of defendant, the real (second) defendant shall be involved in the adjudication as co-defendant.

25.3. A defendant shall be changed/replaced before evidence is given, and if a defendant should be changed after that stage, the new defendant and the co-defendant shall have the right to demand representation of evidence for re-evaluation.

Article 26. Continuance of rights in the case adjudication process

26.1. If a party to the dispute withdraws from the dispute (deceased, gone missing, legal entity dissolved, transfer of demand obligations to others, administrative agency restructured), a court may alter the charge to involve the person who inherits the rights at the request of interested parties and executor (person inheriting the rights). This process of continuance and right transfer may be executed at any stage of case adjudication.

26.2. Passage of rights/obligations of the administrative agency shall be regulated under Provision 5.2 and Article 8 of the General Administrative Law.

26.3. The person who receives the rights may exercise all rights and shall perform all duties of the original case participant.

Article 27. Representing private persons, legal entities and administrative agencies in case adjudication

27.1. If a legally capable person deems it necessary, they may appoint a representative for the case adjudication process.

27.2. A person representing an organization without designated authorization documents, but authorized within the framework of entitlement by law, legislative act or document of establishment, or their authorized representative, may represent the legal entity in the case adjudication process.

27.3. A person representing an organization without designated authorization should submit documentation proving position held, scope/magnitude of rights exercised and an authorization letter to other persons and to the court.

27.4. An authorization letter shall satisfy the following requirements.

27.4.1. Must be signed by the appointee; an authorization letter from a legal entity must be signed and stamped by the person entitled to represent the legal entity without authorization letter.

27.4.2. Show the date of issuance.

27.4.3. If required by law, the letter should be notarized.

27.4.4. Show clear indication of the administrative dispute to which it relates.

27.4.5. Indicate the period of validity.

27.5. Authorization failing to satisfy requirements of Provision 27.4 of this law shall be invalid.

27.6. Authorization for a certain period of time shall be valid for no more than three years; authorization without a specified period shall be valid for one year after issuance.

27.7. A case participant who has appointed an authorized representative may not themselves participate in the case adjudication.

27.8. An administrative organization shall be represented according to Article 6 of the General Administrative Law, and Provision 27.7 of this law shall not apply.

Article 28. Authority of the representative

28.1. An appointed representative shall act to protect the legal rights and interests of their clients in the framework of the legislation.

28.2. If specifically stated in a case participant authorization letter, a representative may exercise the following rights.

28.2.1. Sign on the claim and provide comments.

28.2.2. Accept the demand of the claim.

28.2.3. Deny the claim demand partly or wholly.

28.2.4. Modify the demand, or increase or lessen the scope of demand.

28.2.5. Conciliate.

28.2.6. Appeal the court decision and submit for cassation.

28.2.7. Transfer the authorization to another.

28.2.8. Demand enforcement of the administrative court decision.

Article 29. Prohibited representation and grounds for expiry of representation

29.1. The following persons shall be prohibited from participating in case adjudication as a representative of a party.

29.1.1. Underage, with limited legal capacity, or without legal capacity.

29.1.2. Third party or witnesses in the case.

29.1.3. Judges, prosecutors, investigators aside from cases which they are involved as parent, guardian or caretaker or where they represent their agency in case adjudication.

29.2. The right to represent shall expire on the grounds of following:

29.2.1. Representative refused rights.

29.2.2. Authorization letter from case participant is cancelled.

29.2.3. Case participant is deceased or is no longer legally capable, unless otherwise stated in the law and the relevant contract.

29.2.4. Legal entity liquidated.

29.2.5. Authorization period expired.

29.3. A case participant shall have the right to cancel authorization, and a representative shall have the right to withdraw from authorization. Parties shall immediately notify the court; the case participant shall be responsible for the consequences of failure to notify.

Article 30. Participation of advocate in the case adjudication

30.1. A case participant may get legal assistance from an advocate at any time and stage of case adjudication.

30.2. The right of an advocate in case adjudication shall be determined by written request from a recipient of legal assistance or by contract between the parties.

30.3. An advocate may exercise the following rights in case adjudication.

30.3.1. Access to evidence and material of the administrative case, with adequate time to study material, take notes, and make necessary copies at their own cost.

30.3.2. Provide evidence to the case adjudication, exclude evidence from the case, demand new evidence, demand check of evidence relevance to the case, apply for the appointment of an expert.

30.3.3. Apply for another judge, panel, court secretary, translator or interpreter if there are grounds to do so specified in the law.

30.3.4. Appeal a court decision and apply for a cassation-level review;

30.3.5. Participate in adjudication, cross-examine case participants and other participants, comment on statements, testimony and definitions from their client.

30.3.6. Check trial records and make written comments and requests.

30.3.7. Other rights set forth by law.

30.4. An advocate shall have the following obligations in a case adjudication.

30.4.1. Protect the legal rights and interests of a recipient of legal assistance.

30.4.2. Strictly comply with the Constitution of Mongolia, other legislation and ethical norms and procedures of lawyers and advocates.

30.4.3. Protect a client's rights and interests comprehensively and firmly with every methods and way not contrary to the law.

30.4.4. Ensure confidentiality of secret information about government, agency, entity and private person discovered during the case.

30.4.5. Refrain from acts contrary to the client's legal rights and interests.

30.4.6. Refuse illegal demands from the client.

30.4.7. Attend the court on time unless there are acceptable reasons.

CHAPTER FOUR EVIDENCES

Article 31. Evidence

31.1. Evidence encompasses any factual information necessary to define the real context that case participants, representatives and advocates use as grounds for their denial of demands, with relevance to case adjudication, and collected by legal means.

31.2. Evidence is defined by its evidentiary quality, such as comments from case participants, representatives, advocates, witness attestation, text and electronic documentation, material, expert opinion, video and photographic images, and audio-video recordings, mold/patterns copied from traces, notes of examinations, experiments, lineup detection and trial records.

31.3. No judge or trial participant may reveal any confidential statement, personal or organizational information, disclosed at a closed trial or disclosed to judge in relation to duty handling.

Article 32. Collecting and presenting evidence

32.1. An administrative court shall have the duty to assemble all necessary evidence for case adjudication.

32.2. The court shall have the right to demand that agencies, organizations, officers and private persons provide all evidence relevant to case adjudication, and those persons shall comply with the court demand.

32.3. Case participants, representatives and advocates shall present evidence on the claim and their opposition to demands with clearly detailed facts; if parties are unable to present evidence, or if there is evidence as yet unknown to the court, they shall inform the court of the source.

32.4. Prior to the trial, case participants, representatives and advocates must collect evidence and also have the right to demand that the administrative court collect evidence.

32.5. No case participant, representative or advocate may submit false evidence or evidence that has not been collected by legal means.

32.6. An administrative court shall exclude from the case evidence that is irrelevant to the case and evidence not permitted by law, and shall not ask for such evidence to be presented.

32.7. Persons who violate Provision 32.5 of this law shall be subject to legal sanction.

32.8. A case participant not providing evidence in their possession to the court shall not serve as the grounds for conviction.

Article 33. Collecting evidence abroad

33.1. If deemed necessary to collect evidences abroad, case participants, representatives and advocates may request, or a court may initiate, such action and may address relevant organizations through authorized agencies.

33.2. Regulations on responding to a court request shall be regulated by mutual legal assistance agreement with other countries; if such agreement does not exist, through diplomatic channels.

Article 34. Assessing the evidence

34.1. A court, in assessing and comparing case evidence, shall carry out such assessment and evaluation based on its own belief.

34.2. Evidence shall be evaluated for relevance, importance, authenticity and reliability.

34.3. A court shall not accept evidence that has not been determined to be absolutely true and authentic.

34.4. If evidence accepted as true by a legally valid court decision or by the public is found to be of importance for case adjudication, the evidence does not need re-confirmation.

34.5. Any evidence obtained in contravention of legal regulation on evidence collection and submission shall lose its evidentiary value and shall not be grounds for a court decision.

34.6. Evidence not submitted to a first instance court may not be presented at appellate and cassation level courts.

Article 35. Assignment from the court and its implementation

35.1. When it is found necessary to collect evidence from various localities for a case under adjudication, the appropriate court shall be assigned to perform certain tasks and operations, either at application of case participants, representatives and advocates or at the court's own initiative.

35.2. Court assignment as in Provision 35.1 of this law shall include a brief case description, and what evidence should be put together, with a deadline for completion of collection, and the adjudication process shall be suspended.

35.3. A court that is so assignment shall perform the assignment within the stipulated time.

35.4. All minutes/notes on assignment performance and collected evidence shall be delivered to the court where the case is being adjudicated by the deadline.

Article 36. Comments by case participant, representative and advocate

36.1. Comments from case participants, representatives and advocates to the court shall be truthful and accurate, grounded on evidence in the file.

2. Persons as in Provision 36.1 of this law shall submit evidence related to comments from the opposing party available to him/her or if possible, submit to the court.

Article 37. Witness attestation

37.1. A witness is someone aware of the importance and nature of the case in dispute.

37.2. A person called as witness must be physically present at the court and give true and authentic attestation.

37.3. If a witness refuses or avoids attestation, or provides false attestation with purpose, legal sanctions may be imposed.

37.4. For a witness who is unable to be present at the court for an acceptable reason, attestation may take place at the witness' home.

37.5. If a witness fails to appear at court for no known reason, the court shall assign the authorized agency to enforce its call and may decide costs incurred for the enforcement shall be borne by the witness.

37.6. If attestation from witnesses has substantial differences, there may be re-attestation face-to-face.

37.7. When hearing face-to-face witnesses, a judge shall ask if the witnesses know each other, what relationship they have, and ask for clarification from each witness in turn.

37.8. After attestation, a judge may ask questions of the witnesses, but witnesses confronting each other face-to-face shall not ask each other questions.

37.9. A witness has the right not to give witness that may incriminate himself/herself, family members, parents or children.

37.10. The following persons shall not be called as witness or asked to attest.

37.10.1. Case participants, representatives and advocates who have become aware of case content in the course of their obligations.

37.10.2. Persons without legal capacity.

Article 38. Written evidence

38.1. Evidence in written form that has relevance to the adjudication process shall be referred to as written evidence.

38.2. Written evidence shall be submitted to the court in original form, or notarized copy if the original is impossible to present. If deemed necessary, a court shall have the right to demand the original copy.

38.3. If it is found difficult to acquire written evidence, a court shall conduct an examination on the spot where it is stored, either in response to a request from a participant or at the court's own initiative.

38.4. Government agencies and legal entities shall verify written evidence by putting their "Certified a true copy" stamp from the respective archive.

38.5. If evidence called for is from files of cases previously judged by the court, or still being adjudicated, written evidence shall be considered to satisfy evidentiary requirements.

38.6. After a court decision becomes legally binding, original copies of written evidence may be returned to the person who submitted the evidence if requested, and a notarized copy of the evidence shall be kept in the file.

Article 39. Material evidence

39.1. Any physical items/objects that could determine conditions important for adjudication shall be referred to as material evidence.

39.2. Material evidence shall be kept in the file or in a special room or premises with clear logs and registration.

39.3. As with material evidence that cannot be brought to the court, there shall be on-site examination and relevant notes taken.

39.4. If deemed necessary, material evidence shall be photographed, audio- and video-recorded, and drawn for verification, followed by attachment to the file or stored under seal.

39.5. Examination of foodstuff and perishable goods shall be made by the court immediately after notice is given to case participants. Unless otherwise stated in the law, the goods shall be returned to the owner after examination.

39.6. If deemed necessary, material evidence can be stored with the owner, or with a bagh or khoroo governor in the area where the material evidence is sited, or by the Agency for Enforcement of Court Decisions or authorized police officers. The person assigned to store material evidence shall be obliged to maintain the material evidence in its normal state.

39.7. Unless otherwise stated in law, material evidence shall be returned to the owner after a valid court decision is made; photos, audio and video recordings shall remain in the file.

Article 40. Expert conclusions

40.1. To clarify issues requiring in-depth knowledge, such as in scientific, computational, accounting, artistic, literary and technical and other sectors, an expert may be appointed either at participant request or at the court's own initiative.

40.2. In analyzing and drawing conclusions, experts shall comply with regulations as in the Law on Court Forensics [\[5\]](#).

Article 41. Other proceedings related to adjudication

41.1. To clarify matters important to the case, a court shall undertake examination, experiment and lineups for detection in the presence of participants, representatives and advocates. All proceeding shall be recorded and signed by participants.

41.2. Case participants, representatives and advocates shall make no interference or obstruction in processes as stated in Provision 41.1 of this law.

41.3. Persons without personal or official interest but with full legal capacity may be involved in proceedings as witness.

41.4. A witness shall be responsible for verifying the process, content and results of proceedings in which they were witness.

41.5. A witness may exercise the right to propose modification to the record of proceedings.

41.6. If a witness fails to perform obligations as in Provision 41.1 of this law, they shall be subject to sanctions in compliance with the law.

Article 42. Minutes

42.1. In the following cases, minutes shall be taken at the trial.

42.1.1. In adjudication of a case in a first instance court.

42.1.2. In appellate and court of cassation cases where participants, representatives and advocates are present.

42.2. Minutes shall be taken for other forms of adjudication, including examinations, experiments and face-to-face confrontations.

42.3. Minutes shall comply with requirements as in Provision 8.1 of this law.

42.4. Trial minutes shall be taken by the court secretary and by a judge's assistant during appellate and other proceedings by judge's assignment.

42.5. Minutes of proceedings shall note when, where, start and end time, full name of participants, addresses, sequence of proceedings, process and conclusions of the adjudication.

42.6. All participants present at the adjudication proceedings shall read the minutes, and will have explained their rights to propose modifications.

42.7. All persons involved in proceedings, participants and those present, must sign the minutes as in Provision 52.2 of this law and have no right to refuse to sign.

42.8. Photos, images, drawings, prints, traces/molds and other evidence that may be important for the adjudication should be attached to the minutes with indication of attachments.

Article 43. Safeguarding evidence

43.1. If it is thought that adjudication may be delayed by changing, destroying, transferring or concealing evidence vital to adjudication, case participants may ask the court to safeguard the evidence.

43.2. Such a request should detail what evidence to safeguard, how important the evidence is to prove the case and the reason for such safeguarding.

43.3. A judge, if considering it necessary, may make an order to safeguard the evidence or may rejecting the request because it does not appear substantive.

43.4. A judge's safeguard order shall indicate what evidence, who holds it and where, and how to safeguard the evidence.

43.5. The Agency for Enforcement of Court Decisions shall immediately enforce an order of a judge as in Provision 43.3 of this law.

CHAPTER FIVE COURT COSTS AND STAMP DUTY

Article 44. Court costs

44.1. Court costs include costs incurred necessarily by the court for case adjudication.

44.2. Court costs shall be financed from the state budget.

44.3. The following costs shall be reimbursed by case participants.

44.3.1. Transport, accommodation and per diem for experts, translators and interpreters, and a fee if the task performed under judge's order does not relate to their main job.

44.3.2. Transport, accommodation, fee and wage for a witness.

44.3.3. Costs associated with examination, experimentation and lineup.

44.3.4. Costs for storing evidence.

44.3.5. Travel costs for witness attestation.

Article 45. Identifying the amount of costs to be reimbursed

45.1. Reimbursable court costs shall be set as follows, by regulation.

45.1.1. Costs for the transport, accommodation and per diem for experts, translators and interpreters: per diem rate for government agencies.

45.1.2. Expert, translator and interpreter fees as paid by the court.

45.1.3. If the witness had loss of wages when summoned to court, repayment at the average rate.

45.1.4. Other costs at amounts specified in respective documents.

45.2. Court costs shall be paid to the government budget.

Article 46. Discounts on and exemptions from court costs

46.1. If the defendant was proved insolvent by evidence and by commentary, or if there are other grounds in the law, reimbursable court costs can be exempted.

46.2. A court may take into account the financial and other status of a person and may reduce the reimbursement, postpone the payment period or get only part paid.

46.3. Persons claiming to represent the public interest shall be exempt from the court costs.

Article 47. Allocating reimbursable costs

47.1. If a claim is fully satisfied, court costs shall be reimbursed by the defendant; if the claim is denied, court cost shall be paid by the plaintiff.

47.2. If only part of the claim is satisfied, court costs shall be paid by the plaintiff and defendant on a pro rata basis.

47.3. When appellate level and cassation level courts change a lower court decision, these respective courts shall make a new decision on court costs.

47.4. If plaintiff and defendant conciliate but disagree on allocation of court costs, a court shall resolve the issue under regulations in this law.

47.5. If a plaintiff withdraws a claim, the plaintiff shall pay court costs.

47.6. If a plaintiff withdraws a claim because the defendant has accepted the claim and has satisfied the demand, the court shall halve the costs the defendant must pay.

Article 48. Stamp duties

48.1. A plaintiff shall pay stamp duty in advance, and if the claim is satisfied in part or fully, the stamp duty shall be paid by the defendant and the plaintiff repaid.

48.2. The amount and rate of stamp duty for adjudication shall be regulated by the Stamp Duties Law [6].

48.3. The stamp duty shall be paid when complaint requesting to review decision made by competent person or petition requesting to review resolution or decision made by the court of first instance or appeal.

Article 49. Exemption from stamp duty

49.1. If the defendant was proved insolvent by evidence and by commentary, or if there are other legal grounds, a judge may exempt the defendant from stamp duty under the Stamp Duties Law and may make related orders for exemption.

Article 50. Returning stamp duty

50.1. If a court rejects a claim, the judge may order the return of stamp duty to the plaintiff.

50.2. A person appeals a decision or applies for a third instance cassation review to reject the claim, the respective level judge shall consider that the claim has not been submitted, and shall order repayment of stamp duty paid at the time of claim lodgment.

50.3. If appellate and cassation level courts accept a claim by case participants, representatives and advocates is valid and well-grounded and they annul or change the previous level court's decisions, the stamp duty paid at claim lodgment shall be returned by judge's order.

50.4. If a plaintiff withdraws from a case for reasons in Provision 47.6 of this law, half the stamp duties paid in advance shall be repaid to the plaintiff.

50.5. If the plaintiff reduces their claim demands, or withdraws the claim for reasons other than those in Provision 50.4 of this law, or when a case adjudication process concludes in conciliation of plaintiff and defendant, stamp duty shall be repaid.

50.6. If a claim is returned to a plaintiff under Provision 91.3 of this law, stamp duty shall not be returned.

Article 51. Allocating stamp duty

51.1. Allocation of stamp duties between case participants shall be regulated under Article 47 of this law.

CHAPTER SIX LODGING A CLAIM AND RECEIVING THE CLAIM

Article 52. Lodging a claim, forms of claim and components of the claim

52.1. A claim shall be submitted in writing and the claim shall be signed either by a plaintiff or an authorized representative.

52.2. A claim shall contain the following information.

52.2.1. To which administrative court the claim is lodged.

52.2.2. Family name and given name of the plaintiff, address; if a plaintiff is a legal entity, its name and address.

52.2.3. Name and address of the defendant.

52.2.4. Demand of the claim and its grounds.

52.2.5. Documentation of payment of stamp duty or application for stamp duty exemption and support for the application.

52.2.6. List of attached documents.

52.2.7. Contact phone number, fax and/or email address.

52.3. If the claim is lodged by an authorized representative, a letter of representative authorization and support documents must be attached.

52.4. A copy of a claim shall be given to every defendant..

52.5. Claim demands and grounds as in Clause 52.2.4 shall respond to the following:

52.5.1. For a claim requesting annulment of an administrative act or administrative agreement, determination that the act or agreement is not legally binding, determination that the act or omission is illegal, or application of another administrative act, with how rights and interests of the plaintiff are affected or violated.

52.5.2. For a claim requesting payment of loss, what duties the administrative agency failed to perform or what loss was incurred by the plaintiff due to illegal administrative action, and what decision the claim seeks.

52.5.3. For a claim for determination of whether a public law applies, what legal right and interest will be created for the plaintiff in determining the affair.

52.5.4. For a claim by an administrative agency, what laws have been violated or what function of public administration cannot be executed.

52.5.5. For a person lodging a claim in the public interest, adequate interest in the dispute issue must be provided, defining what public interest is violated or may potentially be violated.

52.5.6. For a claim requesting annulment of an administrative norms act or a declaration of non-validity, what legal rights and interests of the private person and/or legal entity are violated or may be potentially violated, and what law is contravened.

52.6. For claims lodged by an administrative agency relating to administrative norms acts, the conditions exclusively stated in Clause 3.1.3 of this law shall not apply.

Article 53. Receiving and allocating claims

53.1. The respective administrative court shall receive the claim, and register the claim, the receipt date and time (hour and minute), attached documents and the number of pages in the log book.

53.2. Judges and claimants shall have limited advance knowledge of case and claim allocation; there shall be random allocation, to be endorsed by a meeting of all judges of the court.

53.3. If a claim does not include all required components as in Provisions 52.2, 52.3 and 52.5 of this law, the respective judge shall permit the plaintiff to complete the requirements in 7-14 days.

53.4. If a plaintiff fails to provide complete claim documentation within the stipulated period, the judge shall refuse to accept the claim.

Article 54. Refusing to accept a claim

54.1. A judge shall refuse to accept a claim in the following circumstances.

54.1.1. The claim is not within the administrative court jurisdiction.

54.1.2. The claim is not within the specific court jurisdiction.

54.1.3. The claim does not comply with the requirements to alternative dispute resolution as in Articles 92-94 of the General Administrative Law and it is possible to go through the alternative dispute resolution procedure.

54.1.4. The plaintiff has no legal capacity or there is no representative of a legally incapable plaintiff.

54.1.5. The claim is lodged by a person not entitled to represent the plaintiff, or by a person having no right to claim.

54.1.6. A legally binding court decision, judge's order or judgment has already been handed down on the facts of the administrative action in the claim, or has refused to accept the claim or the rejection already exists.

54.1.7. The plaintiff is deceased or the legal entity has been dissolved and the rights and obligations have not been transferred to the relevant person.

54.1.8. The period stipulated in Provisions 14.1-14.4 of this law has expired for no good reason.

54.2. In refusing the claim on ground as in Provision 54.1 of this law, a judge shall make an order indicating reasons for refusal, or stating that the claim can be re-submitted, or indicating how to remedy violations that have retarded receipt by the judge, and shall refuse to accept the claim.

54.3. Judge shall refuse to accept complaint for the following grounds:

54.3.1. if not meets the requirements stipulated in provisions 54.1.1, 54.1.2, 54.1.4-54.1.7 of this law;

54.3.2. preliminary administrative proceeding is not conducted as stipulated specifically by the law;

54.3.3. exceeded the limitation period for issuing complaint without justification.

Article 55. Instigating an administrative case

55.1. If a judge decides that there are no grounds as in Provision 54.1 of this law, the judge will make an order to instigate a case within 7 days after receipt date or the date that the plaintiff submits all required components.

Article 56. Procedures of a judge on an administrative case

56.1. The judge who instigated the case shall carry out the following actions.

56.1.1. Summon the defendant, issue a copy of the claim and document the procedure taken.

56.1.2. Explain the rights and obligations to case participants and document action taken;

56.1.3. Collect all evidence with import relevance to the case, summon witnesses for attestation, appoint experts, translators and/or interpreters and take all necessary action.

56.1.4. If necessary, send an order to other related courts.

56.1.5. Take action to attempt to conciliate the parties.

56.1.6. If deemed necessary, issue and order third party involvement.

56.1.7. Other action as mandated by law.

Article 57. Handing over a claim to the defendant

57.1. A court shall notify the defendant of the claim within 7 days in the capital city and within 14 days in local areas after the date of case instigation.

57.2. The defendant shall submit written comment as to whether they agree to the claim within 14 days after receipt of the claim or within a period set by the judge; the comment shall address the grounds and evidence.

Article 58. Counter claim

58.1. A defendant in the process of administrative case adjudication shall have the right to counter-claim to get issues adjudicated along with the claim on administrative agreement before the case is taken to trial.

58.2. A counter-claim shall comply with common claim rules.

58.3. A counter claim shall comply with the demand in the main claim and be within the scope of all case participants.

Article 59. Court summons

59.1. A judge shall summons to court all case participants, representatives, advocates, witnesses, translators and experts for the trial.

59.2. A court summons must indicate the trial time and venue, and shall be sent to either the home or office address of all involved.

59.3. A court summons shall be sent to the home and office address of participants, or couriered by a court staff member. It may also be sent by telephone, fax and/or electronic media, and all notification shall be documented.

59.4. If the summons is delivered by post, the name of recipient and delivery date will be recorded and signed by court staff and postal officers.

59.5. Depending on the area, court summons delivery may be assigned to other persons.

59.6. A summons shall be handed over to the addressee, a signature given by the recipient and date and hour of handover recorded. Receipt of a summons addressed to a legal entity shall be signed for by a senior officer, and date and time shall be recorded.

59.7. If a person to whom the summon is sent is absent from the address or is at work, the summons may be given to an adult with the same address, or a governor of the respective soum, khoroo or bagh, to the governor's office, or to the office administration, and the log will be signed for by the recipient.

59.8. If a person refuses to accept a summons, it shall be recorded on the summons, which will then be returned to the court. Such a refusal shall not delay the court's adjudication of the case.

59.9. If case participants, representatives and advocates change domicile, they shall be obliged to notify the court of that change. If they fail to do so, a summons shall be sent to the address registered at the court, and handed to officers as in Provisions 59.6 and 59.7 of this law, and such a handover shall be considered as summons delivery.

59.10. If a case participant who has received a summons does not come to the court without proper reason, and if the judge deems that person's presence is necessary, the judge shall enforce (cause to come) and may impose a sanctions as stated in the law.

59.11. Actions as in Provision 59.10 of this law may be taken by an authorized agency.

Article 60. Merge or separate the case

60.1. If the dispute in the claim is being adjudicated by another administrative court or if one plaintiff lodges a claim against several defendants, the cases can be merged into one adjudicating process.

60.2. If deemed necessary, a merged claim or claims, claims made by several plaintiffs individually, and claims made against several defendants, can be separated for individual adjudication.

Article 61. Suspending the enforcement of administrative act

61.1. A judge may suspend implementation of administrative acts in response to a request from case participants, representatives and advocates in cases as in Article 62 of this law, or where this law specifically describes.

61.2. Implementation of administrative norms acts can only be suspended on grounds specified by law.

61.3. A judge's order suspending implementation of an administrative act shall remain valid until the case is finally adjudicated.

Article 62. When implementation of administrative acts cannot be suspended

62.1. Implementation of an administrative act may not be suspended in the following cases.

62.1.1. If suspension of the administrative act implementation may cause serious damage to life and health or loss to a legal entity or public interest.

62.1.2. If the administrative act involves levying tax, fees and charges from private persons and legal entities.

62.1.3. If an administrative act is the decision of an administrative oversight agency or officer on cessation of violations and imposes sanctions on persons who have violated administrative rules.

62.1.4. If the administrative act is subject to enforcement on a non-dispute basis according to law.

Article 63. Period for the case adjudication process

63.1. Unless otherwise stated in the law, a case shall be adjudicated within 60 days of instigation.

63.2. If a case is returned from an appellate level or cassation level court for re-adjudication, the case shall be re-adjudicated within 30 days of the court receiving the case.

63.3. Periods specified in Provisions 63.1 and 63.2 of this law may be extended by an all-judge meeting for up to 30 days for the first time and for up to 15 days for the second time.

63.4. Other periods relating to case adjudication may be set by the judge within the overall period as in Provisions 63.1-63.3 of this law.

63.5. Time spent in appealing to appellate and cassation level courts for adjudication of a claim against a court decision and judge's order at the first instance shall not apply to periods as in Provisions 63.1-63.3 of this law.

Article 64. Setting and counting the period

64.1. In setting and counting periods of time, the regulation on setting and counting time periods as in Article 33 of the General Administrative Law shall be complied with.

Article 65. Suspending the case adjudication

65.1. In the following cases, a judge may make an order or judgment to suspend the adjudication process.

65.1.1. If rights and obligations relating to cases are in dispute because a participant is deceased or a legal entity has been liquidated.

65.1.2. If a case participant is on military service in a state of emergency or war.

65.1.3. If the case cannot be decided until another criminal, civil or administrative case is fully adjudicated and resolved.

65.1.4. If a case participant is under medical care and is unable to appoint a representative.

65.1.5. The law to be applied for the adjudication is under challenge in the Constitutional Court as contradicting the Constitution.

65.1.6. If the Constitutional Court is adjudicating a claim that the relevant law is in violation of Constitution.

65.1.7. Actions as in Articles 33, 35 and 40 are in progress.

65.2. A case under adjudication may not be suspended for reasons other than those stated in Provision 65.1 of this law.

65.3. When circumstances as in Provision 65.1 are decided, a judge shall resume case adjudication.

CHAPTER SEVEN CASE ADJUDICATION THROUGH SIMPLIFIED RULES

Article 66. Withdrawal of claim

66.1. At any stage of case adjudication, a plaintiff may withdraw the claim partly or wholly.

66.2. A plaintiff shall submit withdrawal in writing and if this is during the trial, it shall be noted in the minutes and adjudication shall be concluded.

66.3. If the plaintiff withdraws the claim in part, that withdrawal of part shall be accepted, and the remaining part of the claim shall continue under normal case adjudication rules.

66.4. A person who withdraws a claim shall have no right to re-lodge the claim, but the withdrawal shall not prevent another person from lodging claim on the same matter.

Article 67. Defendant accepts claim demands

67.1. If a defendant fully accepts the demands of a claim and such agreement does not affect the rights, freedom and legal interests of another person, and is not contrary to law, a judge shall approve the acceptance and conclude the case.

Article 68. Plaintiff and defendant conciliate

68.1. A plaintiff and defendant may reach consensus and agree to conclude the dispute by mutual consent, modifying the demand and identifying ways to satisfy the demand.

68.2. Plaintiff and defendant shall put a conciliation agreement in writing, to be signed by all authorized parties.

68.3. If parties reach agreement during the trial, it shall be noted in the minutes.

68.4. If the conciliation of plaintiff and defendant is not contrary to the law and not detrimental to anyone's rights, freedom and legal interests, the court shall approve the conciliation and conclude the case.

Article 69. Consequences of case adjudication via simplified rules

69.1. A court adjudicating a case by simplified rules shall resolve issues relating to court costs and stamp duty under Article 47 and 48 of this law.

69.2. No party has the right to make a claim on a court order or judgement that resolved a case under Provisions 66-68 of this law, and judgments and orders shall be enforced in the same way as a court decision.

CHAPTER EIGHT PRELIMINARY COURT HEARING

Article 70. Rules for conducting a preliminary hearing

70.1. A judge shall preside over a preliminary hearing to consider the following applications within 7 days of receipt.

70.1.1. Disqualify evidence from the case.

70.1.2. Suspend implementation of the administrative act.

70.1.3. Suspend the case adjudication process.

70.1.4. Any other issue that the judge considers necessary to discuss.

70.2. A preliminary hearing shall be held to appoint a trial date.

70.3. Case participants, representatives and advocates shall be notified of the appointed trial date no less than 3 days prior to the date.

70.4. If case participants, representatives and advocates do not intend to be at a preliminary hearing, they must notify the court; failure to notify shall not delay the preliminary hearing.

70.5. A preliminary hearing shall pursue the debating principle, and case participants must show good cause for a court case.

70.6. Case participants, representatives and advocates not attending without good reason shall not serve as grounds for postponing a preliminary hearing.

70.7. The period for case adjudication as in Provision 70.1.2 of this law shall start from the first involvement of case participants.

70.8. If deemed necessary, the period in Provision 70.1 of this law may be extended for up to 10 days, once only.

70.9. A preliminary hearing shall be presided over by a judge and case participants shall have access to records taken by the court secretary under Article 88 of this law.

70.10. A preliminary court hearing shall not discuss issues relating to the claim demands.

CHAPTER NINE
APPOINTING TRIAL, PANEL OF JUDGES, TRIAL PARTICIPANTS AND COMMON RULES FOR THE
COURT TRIAL

Article 71. Appointing a trial date

71.1. When a judge considers that enough evidence has been collected for adjudication or at the expiry of the period in Article 63 of this law or in other necessities, a judge shall appoint the trial venue, date and time at a preliminary hearing no less than 7 days prior, and notify case participants and other participants.

71.2. Case participants may ask the court about the appointed date.

Article 72. Appointing judges, panel and chair

72.1. An all-judges meeting of the respective court shall appoint a trial chair and panel for one year or for six months and approve the schedule by order of the Chief Judge.

72.2. If the judge and panel of judges appointed by the schedule are unable to adjudicate/participate in the trial, other judges and panel may be appointed under Provision 72.1 of this law.

72.3. An all-judges meeting shall be chaired by the Chief Judge. The meeting shall make decisions based on a majority vote. The meeting quorum is a majority of judges, and all judges have equal rights.

72.4. The Chief Judge shall adjudicate a case in the same way as other judges in the schedule as in Provision 72.1 of this law.

72.5. If adjudication cannot be undertaken under Provisions 72.1 and 72.2 of this law because of a too-heavy workload or decreased number of judges, the Chief Judge shall call an all-judges meeting.

72.6. If panel of judges is not sufficient for revising particular case the Chief Judge of the court of the same level shall be consulted and judge from other court shall be appointed and participated by the decision of the Chief Judge of that court.

Article 73. Participation of citizen representatives

73.1. Citizen representatives shall be able to participate in a court process under regulations as in the Law on Legal Status of Court Civil Representatives [\[7\]](#).

Article 74. Panel of judges

74.1. A court of administrative cases shall adjudicate the following cases with a panel of three judges.

74.1.1. Appeal against a decision by a first instance court or when a cassation level has reversed a decisions and returned it for re-adjudication.

74.1.2. A case relating to administrative act-setting norms.

74.1.3. Cases for which an all-judges meeting has decided to adjudicate with a panel of judges.

74.2. Cases other than those under Provision 74.1 of this law shall be adjudicated by a single judge.

74.3. Cases at the appellate level shall be adjudicated by a panel of three judges.

74.4. Cases at the cassation level shall be adjudicated by the Supreme Court with a panel of 5 judges.

Article 75. Rights and obligations of citizen representatives

75.1. One representative of citizens shall be allowed to attend a first instance trial adjudicated by a panel of judges.

75.2. A citizen representative shall exercise the following rights and have the following obligations.

75.2.1 Access to case material and take notes in court premises.

75.2.2. Take part in examining the evidence.

75.2.3. Cross-examine case participants, representatives, advocates, witnesses and experts.

75.2.4. Request additional evidence.

75.2.5. Ask whether case evidence and administrative acts have legal grounds.

75.2.6. Keep secret disclosed personal, state and organizational secrets.

75.2.7. Comply with trial order and rules.

75.3. Under Clause 75.2.5 of this law, opinions of a citizen representative on the evidence and legal grounds of administrative court proceedings may be read aloud at the trial.

Article 76. No change to panel

76.1. A case shall be adjudicated by the same panel, unchanged for the whole trial. When a panel members cannot attend, that judge shall be replaced by another judge under Provision 72.1 of this law, and the case shall be started anew.

Article 77. Trial participants

77.1. Trial participants are classified as case participants and other participants, as in Article 17 and Provision 77.2 of this law.

77.2. 'Other participants' includes representatives and advocates, experts, witnesses, translators, interpreters, citizen representatives and court secretary.

Article 78. Court secretary

78.1. The court secretary shall be responsible for preparing the trial, registering participant attendance, informing attendance to judge and panel, ensuring the trial is audio-video recorded, taking a trial record and making the records available to participants, representatives and advocates, putting the record in the case file for the judges and other necessary duties.

Article 79. Translator and interpreter

79.1. If a case participant does not know the Mongolian language or cannot communicate in the official language because of disability, a judge shall as requested order the appointment of a translator and interpreter for the case adjudication.

79.2. A translator and interpreter must be in court on-call, able to correctly and fully translate the claim demands, commentaries, testimonies, attestations, refusals, decisions and all trial-related issues, and assist examining case material.

79.3. A translator and interpreter may ask questions to clarify translation.

79.4. Case participants and other participants are prohibited from working as translator in the case.

79.5. Deliberate mistranslation or refusal to translate without acceptable reason shall be subject to legal sanction.

Article 80. Trial

80.1. All administrative cases other than as in Articles 66-68 of this law shall be adjudicated by trial.

80.2. If it is found pre-trial that more evidence is needed or a case participant, representative or advocate cannot attend the trial for an acceptable reason, the trial may be postponed for up to 14 days.

Article 81. Rights and obligations of trial chair

81.1. A trial shall be chaired by a judge appointed by an all-judges meeting.

81.2. The trial chair shall take every necessary measures to comply with the law in case adjudication, to examine the case from every angles, to ensure that case participants exercise their rights and duties, and ensure a debating principle is pursued and trial orders complied with.

Article 82. Common trial rules

82.1. All persons in the courtroom shall respect the court, comply with orders and rules applied in the courtroom and obey orders from the chair.

82.2. In testifying and giving opinions, a case participant shall stand up. If the participant cannot stand up for acceptable reasons, they may be permitted by the chair to testify sitting.

82.3. When the judge and panel enter and read aloud a court decision, all persons in the room shall stand.

82.4. For violation of trial rules and orders, a judge will give one warning. For a second violation, the chair shall expel the person from the room and may impose sanctions under Article 83 of this law.

82.5. If a case participant is expelled from the courtroom, the trial may be delayed for a certain period of time by order of the judge. The trial will continue if the judge considers it may do so without the person's commentary, testimony or opinions, and the trial chair may explain to the expelled person issues discussed while they were out.

Article 83. Imposing sanctions

83.1. If a case participant offends against court rules, a judge or panel may impose a fine of ~~1-5 times the minimum monthly wage~~.

83.2. Except for a case as in Provision 83.1 of this law, a violator shall attend court for the imposition of a fine. If a violator cannot attend court for an acceptable reason, this shall not delay the imposition of a sanction.

Article 84. Grounds for recusal

84.1. In the following cases, a judge may be denied adjudicating a case or a judge may recuse themselves from a case.

84.1.1. The judge was previously involved in the case as a participant or other participant.

84.1.2. The judge has a family or kinship relationship with a case participant or the panel members have family or kinship relations.

84.1.3. The judge has a personal relationship with a case participant or has some reasonable doubt that they can adjudicate neutrally.

84.1.4. A judge who adjudicates in a case at primary and appellate level courts is appointed as a judge on another level of adjudication of the same case.

84.1.5. There is a possible conflict of interest.

84.1.6. A judge who sat for a first or appellate level adjudication is involved again in the cassation stage.

84.2. A judge may not recuse themselves on grounds other than those in Provision 84.1 of this law.

84.3. Clauses 84.1.1-84.1.3 and 84.1.5 of this law shall also apply to experts, translators, interpreters, citizen representatives and court secretaries.

84.4. If there are grounds for recusal as in Provision 84.1 of this law, a judge, citizen representative, expert, translator, interpreter or court secretary shall notify this in writing prior to the trial. If the grounds emerge during the trial, this must be notified in writing and recorded in the minutes, with withdrawal from the adjudication.

84.5. In the following cases, other than those in Clauses 84.1.1-84.1.3 and 84.1.5 of this law, an expert shall recuse themselves from offering opinions on the issue.

84.5.1. Case participants, representatives or advocates may influence the expert through their position or privilege.

84.5.2. Case grounds include an expert's previously offered opinions.

Article 85. Regulation for resolving application for removal

85.1. Case participants, representatives and advocates may apply to recuse a judge, citizen representative, expert, translator, interpreter or court secretary on grounds as in Provision 84.1 of this law, and the person to be removed shall have a right to comment.

85.2. A judge or panel may either an order or decide to resolve an application for recusal.

85.3. For an application to recuse a judge, judges shall vote when the judge concerned is not present. If the vote is a draw, the judge shall be recused from the case.

85.4. A request for a judge to adjudicate several cases or adjudicate a case alone, or a panel's request to recuse the judge, shall be resolved by a Chief Judge of the court.

85.5. An application to recuse a citizen representative, expert, translator, interpreter or court secretary shall be resolved by a judge or panel adjudicating the case.

85.6. If an application to recuse participants is to the Chief Judge who is adjudicating the case alone, or to an entire panel, the application shall be resolved by a majority of votes at an all-judges meeting.

85.7. A judge may not be recused in relation to issues that the judge has resolved in the adjudication process.

Article 86. Consequences of removal

86.1. If the request to recuse a judge or panel is granted, the case shall be adjudicated by a different judge or panel.

86.2. Where a participant is recused by the judge, or a judge becomes unable to be involved in adjudication for legal grounds, ~~or if there are too few available judges~~, the Chief Judge of the respective court shall transfer the case to another first instance administrative court.

86.3. If a case is transferred to a different court under Provision 86.2 of this law, the judge of the respective court shall adjudicate according to a schedule set by the all-judges meeting of that court.

86.4. If an application is granted to recuse a citizen representative, expert, translator, interpreter or court secretary, different parties shall be brought into the adjudication.

Article 87. Making decision in the consultation room, voting

87.1. All levels of administrative court shall decide in the consultation room under Provision 31.5 of the Law of Mongolia on Courts and Clause 9.2.6 of the Law on Legal Status of Judges.

87.2. Votes of judges in the consultation room on the final trial decision shall be confidential.

87.3. A panel shall decide on each issue by vote.

87.4. If the trial chair is on the panel, they will offer suggestions after all other judges have spoken.

87.5. In the consultation room, a judge shall have no right to reject comments and proposals.

Article 88. Minutes

88.1. The trial record shall indicate start time, date, venue, end time, family and given names of judges, panel of judges, case participants, addresses, attendance status, whether rights and obligations have been explained to them, participant commentaries, evidence examination, participant questions, brief explanation of proposals, decisions, period for appeal and respective rules.

88.2. The trial shall be audio-video recorded, except for the preliminary hearing.

88.3. Within 7 days of the trial end, the court record shall be produced completely and signed by the trial chair and court secretary.

88.4. Case participants, representatives and advocates may have access to the record. A judge shall resolve any issues and proposals in relation to the court record.

88.5. If there are mistakes in the court record, changes or corrections may be made the judge or panel or suggested by case participants within three days, and the correction noted on the record; the trial chair shall then sign.

CHAPTER TEN RULES OF FIRST INSTANCE TRIAL AND COURT DECISION

Article 89. Opening the trial

89.1. The trial chair shall open the trial, announce what case is to be adjudicated and permit the courtroom attendees to be seated.

Article 90. Checking attendance and rights of participation

90.1. The names of trial participants shall be registered by the court secretary, who shall then report to the trial chair whether the date/venue has been notified to all relevant persons and for what reason absent participants are not attending.

90.2. The court shall review each participant and other participant one by one, checking their authorization for representation and advocacy.

Article 91. Proceedings when a case participant, representative, advocate or citizen representative is absent

91.1. If a plaintiff applies for the trial to proceed without the presence of the plaintiff, representative or advocate, the application may be granted and the case may be proceed without their attendance.

91.2. If a plaintiff, representative or advocate is absent without acceptable reason, and if the defendant requires and claims that sufficient evidence has been collected, the case may proceed to adjudication.

91.3. If a court requires that a person as in Provision 91.2 of this law must be present at the trial, a judge shall adjourn the court and summons the person again. If the person is absent for a second time, the case shall be dismissed.

91.4. If a defendant, third party, representative or advocate is absent from the court without acceptable reason and the plaintiff requests adjudication of the case in their absence, the court may proceed with the adjudication based on the evidence.

91.5. A court may consider the evidence and other circumstances and proceed to adjudication when an application for case adjudication in the absence of a participant, representative or advocate as in Provisions 91.2 and 91.4 of this law is granted. In so doing, the court shall consider commentary previously offered by case participants, representatives and advocate as if being offered at the trial.

91.6. If no case participant, representative or advocate is present, the court may adjudicate the case under Provision 91.5 of this law.

91.7. If a citizen representative fails to attend the court after receipt of notice as in Provision 71.1 of this law for no acceptable reason, the trial may proceed with permission from case participants. If a case participant refuses permission, the trial shall be postponed.

Article 92. Explaining the obligations of translator and interpreter

92.1. The trial chair shall remind the translator and interpreter of their obligations and of sanctions imposed for incorrect translation and interpretation, and document this advice.

Article 93. Excluding a witness

93.1. A witness called for case adjudication shall be temporarily excluded from the courtroom.

93.2. The trial chair shall take every measure to ensure witnesses cannot communicate with each other.

Article 94. Announcing panel and explaining the right to withdraw

94.1. The trial chair shall nominate the panel members, experts, translators, interpreters and court secretary and shall specify that parties have the right to withdraw from adjudication.

94.2. A request to leave shall be considered under Article 85 of this law.

Article 95. Explaining rights and obligations of case participant, representative and advocate

95.1. The trial chair shall explain the rights and obligations of case participants and other participants.

Article 96. Deciding on any application from case participant, representative and advocate

96.1. A judge and panel shall immediately decide on an application from a case participant, representative, advocate or other participant, on the need for more evidence and to explore other issues of importance to the case adjudication after hearing an application. Participants have no right to make application on issues previously resolved at a preliminary court hearing.

96.2. If the court considers that the attendance of an absent participant is necessary, the trial may be adjourned for 14 days.

96.3. If the court considers that more evidence is necessary, the trial may be adjourned for up to 30 days.

Article 97. Commencing hearing/adjudication

97.1. The adjudication process shall commence when the judge introduces the case.

97.2. The trial chair shall ask whether plaintiffs wish to proceed with their demand, whether the defendant agrees with the demand, or whether the parties agree to conciliate.

Article 98. Debate between case participant, representative and advocate

98.1. Before a case participant, representative or advocate puts forward a case, the trial chair shall remind them of their rights and obligations and warn them to give true and authentic responses.

98.2. On the claim's grounds, case evidence and grounds for administrative acts, the parties shall argue their case to prove or disprove the grounds of administrative acts.

98.3. If a case participant, representative or advocate has offered written argument, they may present that argument to the court.

Article 99. Sequence for examining evidence

99.1. The trial chair shall decide on the sequence for attestation from experts and witnesses, examining collected evidence and other evidence.

Article 100. Witness testimony

100.1. When the trial chair has each witness brought into the courtroom, they shall remind the witness of all rights and obligations, with a record of the reminder.

100.2. If there are two or more witnesses, they shall be questioned separately. Before attestation a witness shall be absent from the courtroom. After attestation, the trial chair shall require the witness to remain in the courtroom until the trial ends.

100.3. When an underage witness is questioned, a parent, guardian, care-taker or pedagogue shall be present.

100.4. When an underage witness is attesting, a case participant who may affect the attestation may be required to leave the courtroom; when allowed back, they will be allowed to ask questions, to check and to attest.

100.5. When an underage witness has completed attestation, they must leave the courtroom.

100.6. The judge may receive witness evidence in advance and may cross-examine.

Article 101. Examining written, electronic and other evidence

101.1. The court shall examine evidence and documents collected for the case, and shall read aloud written and electronic evidence at the request of a case participant, advocate or representative, and explain the evidence.

101.2. In adjudicating a case which refers to state, organizational or private secrets, evidence shall not be made public. To protect privacy of correspondence, personal letters and documents may be read aloud in open court with permission from the persons concerned. If permission is denied, any personal correspondence shall be read out in closed court.

101.3. A person who believes that electronic evidence is false shall apply to the court for the exclusion of such evidence. That person must prove the allegation, and may call for an expert review and provision of other documentation.

101.4. If written and electronic documents are found to be false, the court shall exclude the documents from the evidence, and if deemed necessary, a case participant, representative or advocate may lodge a claim to the authorized agency.

Article 102. Expert review/conclusion

102.1. Expert conclusions shall be read out to the court.

102.2. If an expert is present at the trial, they will explain their rationale for their conclusions and may then be cross-examined.

102.3. If the court feels that the expert's conclusions are unclear or unsafe, other analysis must be commissioned under Articles 19 and 20 of the Law on Court Forensics.

Article 103. Additional clarification from case participants

103.1. After examining the evidence, the trial chair shall ask a case participant, representative or advocate if they have any question for clarification.

Article 104. Conclusion from a citizen representative

104.1. A citizen representative shall submit an opinion on the dispute. If they are unable to do so because of health or other acceptable reason, they may provide such opinions orally, and this will be so noted in the court records.

104.2. A citizen representative shall read out the opinion to the court.

Article 105. Adjournment of trial

105.1. The trial chair shall adjourn the court and consider the verdict in the consultation room.

105.2. During this adjournment, no case participant, representative or advocate may leave the courtroom.

Article 106. Deciding on a verdict

106.1. A first instance court shall arrive at a verdict on behalf of Mongolia.

106.2. A decision shall be legally binding and comprise proper rationale/grounds.

106.3. A first instance court shall reach the following adjudication of an administrative case.

106.3.1 Find in favor of the plaintiff if the administrative action and agreement are clearly illegal and have affected the legal rights and interests of the plaintiff.

106.3.2. Announce whether the administrative action and agreement are found to be clearly illegal.

106.3.3. Determine the administrative action to be illegal if the action was cancelled or annulled in any way after the claim was lodged, but implementation in any form affected the legal rights and interests of the plaintiff.

106.3.4. Determine that the carrying out or omission of an administrative action was illegal and affected the plaintiff's legal interests and rights, and order the administrative organization to admit that the action or omission was illegal.

106.3.5. Determine whether there are legal consequences.

106.3.6. If the action required payment, order a reduction of the amount imposed by the administrative action.

106.3.7. Order the administrative agency to hold private persons and legal entities free of liability for any loss caused by the illegal action of the administrative agency, or modify the compensation amount.

106.3.8. Determine responsibility if the administrative act was found illegal and affected in fact or potentially the legal rights and interests of the plaintiff.

106.3.9. Reverse the action if the claim by the administrative agency violated the law and the agency is found unable to perform its duties in public administration.

106.3.10. Determine illegality if the administrative action affected the public interest in fact or potentially.

106.3.11. Suspend the administrative action for up to 6 months until a new action is applied if the court considers that the scope of additional examination and clarification exceeds the ability of the court.

106.3.12. Agree with the claim.

106.3.13. Partly agree with the demand and reject the remaining demand.

106.3.14. Reject the entire claim.

106.4. A court decision shall be based on the evidence documented and discussed at the trial.

106.5. A court shall not reach a verdict and issue a decision on issues other than the claim demand or on issues where parties are not in dispute.

106.6. If a court determines that a plaintiff has suffered loss because of administrative action, compensation shall be required; if the amount ordered does not satisfy the claim, compensation shall be resolved by a civil court.

106.7. A court shall examine whether the administrative agency misused/overused its power of options, used its functions and norms not for the purpose, or whether the administrative action resulted in illegal acts or omissions.

106.8. A court verdict shall be signed by the judge and the panel; the judge has no sole right to sign to the court decision.

Article 107. Content of court decision

107.1. A court verdict shall comprise preface, definition, grounds and judgment sections.

107.2. The preface shall indicate when and where the decision was reached, with names of judge, panel and case participants.

107.3. The definition shall indicate the claim, responsibility, commentary from third party, representative or advocate, and opinion from the citizen representative.

107.4. The grounds section shall indicate evidential grounds for the verdict, grounds of the administrative action, commentaries and norms that led to the verdict and how these norms were applied in decision-making.

107.5. The judgement section shall indicate the name, article, provision and clause of the law that was complied with in the adjudication, whether the decision satisfied the claim or counter-claim, or partly satisfied or was rejected in part, court costs allocated, payment of stamp duty, and the rights and obligations of each plaintiff and defendant. It also indicates the way that the decision shall be enforced and period, and rules for appeal and period.

107.6. If the verdict as in Clause 106.3.11 of this law has been reached, and the administrative agency fails to issue an administrative action within the time set by the court, the judgment section shall indicate annulment of the part in dispute.

107.7. The judgment section as in Provision 107.5 of this law shall be imperative.

Article 108. Explaining the verdict and when it comes into effect

108.1. The trial chair shall explain the verdict and explain all relevant issues before ending the trial.

108.2. A court decision shall come into effect when read out.

108.3. Within 14 days of a court decision, the full court verdict shall be issued in writing under Article 107 of this law and the panel shall sign the verdict.

108.4. Within 14 days of expiration of the time in Provision 108.3 of this law, case participants, representatives and advocates shall attend the court and hear the verdict in person.

108.5. Failure to receive a verdict in the time stipulated in Provision 108.4 of this law shall not affect the appeal period under the law.

108.6. If the case is adjudicated in the absence of case participants, representatives and advocates, a court shall hand over the decision within the time mandated by Provision 108.4 of this law. If such hand over is impossible or the parties fail to attend and receive the verdict under Provision

108.4 of this law, a judge shall send the verdict within 7 days after the time expiry, either by registered mail to a home or work address, or by a court officer.

108.7. Delivery under Provision 108.6 shall be considered as completed in compliance with Provision 59.7 of this law.

108.8. If the time stated in Provision 108.4 of this law has expired because of faulty court action, Provision 108.5 shall not apply. In this event, the verdict shall be delivered under Article 108.6 and the legal period shall be counted under Provision 108.6 of this law.

Article 109. Other court decisions

109.1. If grounds and circumstances as in Article 66-68 of this law are found during adjudication of an administrative case, a judge and panel shall cancel the case after verifying that the plaintiff has withdrawn the claim, or a defendant has accepted the claim, or plaintiff and defendant have conciliated.

109.2. If grounds stated in Provision 54.1 of this law are met during adjudication or trial, the judge and panel shall refuse to hear the claim for adjudication.

Article 110. Court decision becoming legally binding

110.1. A decision of the first instance court shall be valid and legally binding in the following cases.

110.1.1. No appeal is made within the time allowed in Provision 114.1 of this law.

110.1.2. An appeal is lodged, but the appellate level court has adjudicated the case and the appellate level decision has not been appealed to the cassation level under Provision 119.2 of this law.

110.1.3. A decision by the appellate level court was appealed to the cassation level, and the cassation court adjudicated the claim and made an order under Clauses 127.2.1-127.2.3 of this law.

110.2. Case participants, representatives, advocates, and case participant heirs shall have no right to lodge a claim on a dispute adjudicated by the court or on evidence, legal matters or adjudication processes verified by the court.

Article 111. Annuling or modifying a verdict or decision during case adjudication

111.1. As well as making decisions under Article 106 of this law, a judge shall make orders and judgments on other issues to be resolved during the case adjudication process.

111.2. If the law permits the lodgment of appeal, a judge's order or court verdict on issues resolved during the case adjudication process shall be issued in writing within three days.

111.3. If an order or verdict under Provision 111.1 of this law are found to be invalid, the judge or panel making the order or verdict may repeal or modify it.

CHAPTER ELEVEN EXCLUSIVE RULES

Article 112. Disputes subject to exclusive rules

112.1. An appellate level court shall adjudicate the following types of dispute in compliance with primary instance court rules and procedures.

112.1.1. Nationwide disputes or disputes on administrative acts applying to two or more territorial/administrative units.

112.1.2. Disputes between aimags or between aimag and capital city.

112.1.3. Unless otherwise stated in law, disputes relating to parliamentary or presidential elections.

112.1.4. Other disputes as specified by law.

112.2. The court shall adjudicate disputes as in Clause 112.1.3 within 30 days; this period may be extended once only, for 10 days.

112.3. Disputes as in Provision 112.1 of this law, other than disputes in Provision 112.2, shall be adjudicated within the normal legal time.

112.4. A first instance court shall adjudicate the following types of disputes within 30 days.

112.4.1. Disputes on elections in aimag, capital city, soum and district Citizen Representative Khurals, unless otherwise stated in law.

112.4.2. Disputes relating to public procurement.

112.4.3. Case or dispute initiated by complaint specified specifically by the law.

112.5. In adjudicating disputes as in Clause 112.4.1 and 112.4.3 of this law, the permitted time may be extended for 10 days, once only.

112.6. If a court deems it necessary for more evidence, the period for case adjudication as in Clause 112.4.2 of this law may be extended for 30 days, once only.

112.7. A defendant may offer counter statements and evidence to the court within 7 days of the defendant receiving a claim in a disputes as in Provisions 112.1.3, 112.4.1 and 112.4.2 of this law.

112.8. A defendant shall provide comment within 7 days since the receipt of the complaint stipulated in provision 112.4.3 of this law.

112.9. Court shall not collect additional evidence during adjudication of complaint.

Article 113. Court decision compliant with exclusive rules

113.1. A court decision in disputes as in Provisions 112.1.3 and 112.4 shall be available in writing within 5 days, when judge and panel will sign and hand the decision to case participants, representatives and advocates.

113.2. Case participants shall have the right to appeal within 5 days of receipt of a court decision as in Provision 113.1 of this law.

113.3. A court shall adjudicate an appeal as in Provision 113.2 of this law within 21 days of receipt of an appeal.

113.4. For disputes as in Provisions 112.1.1 and 112.1.2, the normal period for case adjudication shall apply.

113.5. The limitation period stipulated in provisions 113.1-113.3 of this article shall be adhered during submission of petition on or adjudication of decision issued by the administrative court of appeal which resolved dispute stipulated in provision of 112.3 and 112.4 of this law.

CHAPTER TWELVE CASE ADJUDICATION AT THE APPELATE LEVEL

Article 114. Lodging a claim at appellate level and receiving the claim

114.1. Unless otherwise stated in the law, case participants, representatives and advocates shall have the right of appeal within 14 days of receipt of the first instance court decision.

114.2. An appeal shall be submitted to the first instance court that adjudicated the initial claim.

114.3. Appeal grounds shall not include evidence that was not offered in the first instance court.

114.4. The first instance court that adjudicated the claim shall accept the appeal and introduce the claim to case participants, representatives and advocates; their commentaries may be attached to the case file.

114.5. The court specified in Provision 114.2 of this law shall send the case and claim with commentaries from case participants, representatives and advocates to the appellate level court within 3 days in the capital city and within 7 days in a rural area.

114.6. If case participants, representatives and advocates are unable to meet the deadline specified in Provision 114.1 of this law for an acceptable reason, they may request extra time by offering reasons to the first instance court. A judge shall decide whether to agree to the request after perusing attached documents.

114.7. Unless otherwise stated in the law, an appellate level court shall comply with rules in the law regarding claims.

Article 115. Form and content of an appeal

115.1. An appeal shall be made in writing.

115.2. An appeal shall contain the following.

115.2.1. Which court is addressed.

115.2.2. Plaintiff's family, middle and given name, address and email; for a legal entity, name, address, email, phone and fax number;

115.2.3. Details of which court and which decision is appealed.

115.2.4. Whether the appeal is on the whole or part of the court decision, and what grounds or clause is challenged.

115.2.5. Demand made.

115.3. An appeal shall be signed by the person submitted the appeal or an authorized officer or persons of the legal entity, and stamped if the plaintiff is a legal entity.

115.4. Persons lodging an appeal shall pay stamp duty in advance according to the law. The receipt shall be attached to the appeal, and a copy of the appeal shall be given to every case participant.

115.5. The court shall reject any claim lodged by a person not entitled to claim.

Article 116. Withdrawing an appeal

116.1. A person who lodges an appeal shall be entitled to withdraw the appeal at any time before entering the courtroom for adjudication.

116.2. If a person who lodges an appeal withdraws the appeal before the start of the trial, it will be considered that the person has not appealed, and the judge may order a return of the stamp duty. If the person withdraws the appeal during the trial, the court shall issue a decision rejecting the appeal.

116.3. If circumstances as in Article 66-68 of this law occur, a judge or panel shall make an order or decision to annul the decision of the first instance court, having verified either that the plaintiff withdrew the claim, the defendant accepted the claim, or defendant and plaintiff conciliated.

Article 117. Attending the trial

117.1. An appellate level court shall notify case participants, representatives and advocates of the trial date and venue and shall ensure their right to attend the trial.

117.2. If trial date and venue are notified, but parties fail to attending, this shall not delay case adjudication.

Article 118. Case adjudication at appellate level

118.1. An appeal against a decision by the first instance court shall be adjudicated by the appellate level court within 30 days of lodgment of the appeal..

118.2. An appellate level court trial shall be chaired by a judge appointed from by an all-judges meeting.

118.3. An appellate level court shall adjudicated the case appeal within the overall scope of the case if two or more case participants have appealed or if the appellants represent the public interest.

118.4. If a court decision is claimed to have been influenced by a procedural violation, the adjudication shall not be limited to the claim scope.

118.5. At the appellate level court, the appointed judge who adjudicates shall present the case nature.

118.6. The trial regime shall be regulated under Article 89, 90, 94 and 96.1 of this law until the time that the judge (case presenter) defines the case nature.

118.7. A panel shall hear the judge present the case presented at the first instance court, the appeal grounds and the commentaries from the plaintiff, case participants, representatives and advocates; if deemed necessary, the panel may ask for clarification and additional commentary from case participants, representatives and advocates. The court shall then adjourn and the panel will work in camera.

Article 119. Court judgment

119.1. A judgment from the appellate level court shall comprise the content of the decision of first instance court and appellate level court, the decision by the appellate court, and its grounds.

119.2. An appellate level court shall decide whether to confirm the first instance court decision, modify the decision, or reverse the decision.

119.3. A judgment shall become valid upon reading aloud to the parties.

119.4. The judgment will be issued fully in writing as signed by all panel judges within 14 days of the judgment, and handed to case participants, representatives and advocates under Provision 108.4 of this law or delivered under Provision 108.6 of this law.

119.5. Case participants, representatives and advocates may appeal the judgment within 14 days of receipt of the judgment or delivery of the judgment under Provision 119.4.

119.6. If the period stipulated in Provision 119.5 of this law is exceeded for an acceptable reason, an application for extension of the validity period shall be submitted to the first instance court and a judge shall issuing an order.

Article 120. Stay or modify the decision of first instance court

120.1. If an appellate level court decides that a decision by the first instance court has legal grounds, the court shall confirm the decision.

120.2. An appellate level court shall be obliged to indicate legal grounds for confirming a decision by the first instance court.

120.3. If the first instance court is found to have incorrectly evaluated evidence or wrongly applied the law, an appellate level court shall have a right to modify partly or wholly the decision of the first instance court.

Article 121. Annuling a decision from the first instance court

121.1. If an appellate level court reverses a decision of the first instance court, it shall issue one of the following decisions.

121.1.1. Reverse the first instance court decision which ruled in favor and repeal the entire claim.

121.1.2. Reverse the first instance court decision which denied the claim and grant the demand partly or wholly.

121.1.3. Reverse the first instance court decision, deny the case and refuse to accept the claim.

121.1.4. Reverse the court decision and return the case to the first instance court for further adjudication.

121.2. If the appellate court finds that adequate evidence was collected and the adjudication process and court trial complied with the law, but the evidence was evaluated incorrectly or the law was applied incorrectly, it shall make a decisions as in Provisions 121.1.1 and 121.1.2 of this law.

121.3. If the following grounds apply, an appellate level court shall make a decision as in Clause 121.1.4 of this law.

121.3.1. The first instance court adjudicated the case without properly ensuring the rights of case participants, representatives and advocates physically to participate in the trial.

121.3.2. The first instance court adjudicated the case with an illegal panel.

121.3.3. The first instance court contravened the law and this influenced the decision.

121.3.4. The court did not collect adequate evidence or accepted evidence that did not meet legal requirements or was not revised at the trial, as grounds for its decision.

121.3.5. The court applied the incorrect law or applied the law incorrectly and it is not possible to modifying the decision.

121.3.6. The judge and panel did not sign the decision or a judge not on the panel signed the decision.

121.3.7. The court did not give any evaluation or draw conclusions on claim demands or on demands from a third party and this influenced the decision.

Article 122. Lodging a claim on the order of judge and court judgment

122.1. Case participants, representatives and advocates may appeal an order of the judge and a court judgment as in Provisions 14.6, 32.6, 54.2, 61.1, 65.1, 111.3, 119.6 and 123.7 of this law, or an order and judgment without third party presence, within 7 days of the order and judgment, in writing, to the appellate level court.

122.2. Case participants, representatives and advocates shall not have the right to appeal an order of a judge or court judgment other than under Provision 122.1 of this law.

122.3. If an appeal is lodged against an order of a judge or court judgment resulting from case adjudication under Provision 112.1 of this law, the appeal shall be adjudicated by the same court level.

122.4. Under Provisions 112.1.3 and 112.4 of this law, an appeal against an order of a judge or court judgments on a dispute and claim that is rejected shall not be appealed.

122.5. An order of a judge or court judgment may specify the possibility of an appeal on non-compliance with provisions in this law, but other articles and laws shall not limit the right to appeal an order of a judge or court judgment.

122.6. Under Provision 122.1 of this law, a cassation level court shall adjudicate a case with a panel of three judges within 10 days of receipt of an appeal under Provision 122.1 of this law and may make one of the following decisions.

122.6.1. Confirm the order of the judge and deny the appeal.

122.6.2. Modify the order of the judge and court judgment.

122.6.3. Reverse the order of the judge and court judgment.

122.7. Judgement under Provision 122.6 of this law shall be valid.

CHAPTER THIRTEEN CASSATION LEVEL PROCEDURES

Article 123. Lodging claim for cassation level

123.1. Case participants, representatives and advocates may exercise the right to appeal a judgment as in Article 119 for cassation level adjudication.

123.2. The following grounds apply to cassation level adjudication submitted to the Supreme Court.

123.2.1. The court failed to apply the correct law, gave incorrect commentary on the law, or incorrectly used a law regulating similar matters.

123.2.2. Contravention by a judge of the adjudicating procedure has affected a court decision.

123.3. Cases not adjudicated at the appellate level court are not subject to cassation level appeal.

123.4. Persons appealing to cassation shall pay stamp duty as in Provision 48.1 of this law in advance.

123.5. If a plaintiff withdraws an appeal before the cassation level trial begins, it shall be considered a non-appeal, and a judge shall deny the adjudication process and return the stamp duty. If such refusal occurs during the adjudication process, the court shall make the same order.

123.6. If case participants conciliate, withdraw the claim or if a defendant agrees to the claim demands, after a claim is submitted to a cassation level court, the decision of the first instance court or judgment by an appellate level court shall be reversed and the case shall be rejected. In this case, stamp duty is not returned.

123.7. If case participants, representatives and advocates exceed the period in Provision 119.5 of this law for an acceptable reason, application for extension of time shall be made to the first instance court, with reasons, and a judge shall decide on considering the reasons.

Article 124. Receiving claim lodged for cassation

124.1. A claim for cassation shall be received by the judge who decided the first instance case, and the judge shall act as in Article 114 of this law. Case participants, representatives and advocates may exercise the right to offer commentary on the claim.

124.2. The court that receives the appeal shall submit the claim to the Supreme Court within three days in the capital city and within 14 days in a rural area, and stamp duty receipts and the appeal shall be attached to the original claim documents.

124.3. A cassation level judge who receives an appeal shall order whether the case will be adjudicated in court trial or not.

124.4. If the appeal for cassation fails to comply with rules in this law, a judge may reject or refuse to accept the appeal and make a relevant order.

124.5. If a plaintiff disagrees with a judge's refusal to receive an appeal, the plaintiff may lodge a complaint to the Supreme Court within 10 days for a decision by a panel of three judges.

Article 125. Adjudication period

125.1. A cassation level court shall adjudicate the case within 30 days of receipt of the appeal claim.

Article 126. Notifying case participants

126.1. Date, time and venue of the appointed cassation level trial shall be notified to case participants, representatives and advocates.

126.2. If case participants, representatives and advocates have been notified of the trial, but do not attending the court, this shall not delay the case adjudication process.

Article 127. Cassation level trial

127.1. The appeal shall be adjudicated for cassation by a panel of 5 judges of the Supreme Court.

127.2. A court shall adjudicate the case in the following ways.

127.2.1. Stay the decision and judgment and not accept the appeal.

127.2.2. Modify the decision and judgment.

127.2.3. Wholly or partly annul the judgment and stay the decision or modify the decision.

127.2.4. Partly or wholly annul the judgment and decision, reverse the decision, or confirm the appeal.

122.1.5. Annul the decision and judgment and return the case to the first instance or appellate level courts for re-adjudication.

127.3. A court judgement shall comprise the decision of the appellate level court, the key components of the decision, the legal grounds for the appeal to the appellate level and the challenged decision, and shall be signing by the court chair and judge presenter who explained the case.

Article 128. Plenary session of Supreme Court's cassation level administrative judges

128.1. No more than 30 days after case participants, representatives and advocates receive a order as in Provision 127.2 of this law, if it is believed that the order does not conform with the law, case participants, representatives and advocates may appeal to the Chief Judge of the Supreme Court.

128.2. The first instance court that adjudicated the case shall receive an appeal addressed to the Chief Judge and shall submit the case to the Supreme Court under Provisions 114.4, 114.5, 124.1

and 124.2 of this law. Regulations in Provision 48.1 and 48.3 of this law shall not apply to a person who appeals under Provision 128.1 of this law.

128.3. If the Chief Judge of the Supreme Court believes the appeal has no grounds for revision at the plenary session of the administrative judges of the Supreme Court, the Chief Judge shall give a written response to the plaintiff within 30 days.

128.4. If two judges of an appellate level panel offer a specific proposal or the Chief Judge of the Supreme Court decides that a case adjudication was contrary to law, the case shall be adjudicated by a plenary session of cassation level administrative judges of the Supreme Court within 30 days.

128.5. In cases under Provision 128.4 of this law, the Chief Judge of the Supreme Court shall decide to hold a plenary session of Supreme Court appellate level administrative judges and appoint a date and time.

128.6. The session as in Provision 128.4 of this law shall be chaired by the Chief Judge of the Supreme Court.

128.7. The plenary session of the Supreme Court appellate level administrative judges shall be valid with the presence of the Chief Judge and no less than four Administrative Chamber judges.

Article 129. Plenary session of Supreme Court cassation level administrative judges

129.1. A plenary session of the Supreme Court cassation level administrative judges shall adjudicate a case in the following ways and make the following orders.

129.1.1. Stay the decision, order and judgment and deny conclusions and proposals under Provision 128.4 of this law.

129.1.2. Modify the decision, order or judgment.

129.1.3. Partly or wholly annul the decision, order or judgment and stay or modify the decision.

129.1.4. Partly or wholly annul the judgment, stay the order or decisions or modify.

129.1.5. Annul the decision, judgment or order and reject the appeal.

129.1.6. Annul the decision, judgment or order and return the case to the first instance or appellate level court for adjudication.

129.2. As soon as the court order stated in Provision 129.1 of this law is presented and read aloud, it become legally binding and valid.

129.3. Resolution by the plenary session of the Supreme Court cassation level administrative judges shall be final and binding.

Article 130. Correcting errors in primary level court decisions, judgements or orders

130.1. If a decision or judgement by a primary instance court contains clear spelling, lexical and number mistakes, the judge and panel may amend.

**CHAPTER FOURTEEN
REVISITING A COURT DECISION BECAUSE OF NEW CIRCUMSTANCES**

Article 131. Grounds for revisiting a court decision because of new-found circumstances

131.1. Legally valid court decisions (primary court, appellate level and cassation level) may be revisited as below if due to new-found circumstances.

131.1.1. Evidence is found that was unknown to case participants or could not be known at the time the court decision was made.

131.1.2. Evidence that was the main ground for a court decision is found to be false, or acts or omissions by judge, panel, court secretary, witness, expert, translator or interpreter during the adjudication process were of a criminal nature, as found by a legally valid court decision.

131.1.3. A court decision or judgement which was grounds for the final decision, or a decision made by administrative agency or other organization, is annulled as being illegal.

131.1.4. Adjudication of a case without involving a third party had a critical influence on the court decision.

Article 132. Applying to revisit a decision

132.1. An application to re-visit a court decision because of new-found circumstances shall be made within 30 days after discovering the new circumstances to the same first instance court where the claim was first lodged if the case participant, representative and advocate did not appeal to the appellate level and cassation level.

132.2. If grounds as in Provision 131.1 of this law are found before the court decisions become legally valid, a request as in Provision 123.1 of this law may be made within 30 days of the court decision becoming legally valid.

132.3. If the court decision involved suspension of the administrative act, an application as in Provision 123.1 of law may be made within 30 days of a new administrative act being issued.

132.4. Application shall be in writing and evidence and documentation on the newly found circumstances must be attached.

132.5. If an applicant for re-visiting a court decision because of newly found circumstances withdraws the request before a retrial, it will be considered that no application was made.

Article 133. Resolving a request

133.1. An application to revisit a court decision because of newly found circumstances shall be discussed in a court trial under regulations as in this law.

133.2. The judge and panel of the first instance court that made the first decision shall be ineligible to sit in a revisit of the court decision because of newly found circumstances.

133.3. If an applicant wishes to be present at the trial, they will be notified, but not attending the trial will not delay resolution.

133.4. From evidence of newly found circumstances, a court shall resolve issues on defining those circumstances, determine how the circumstances impact the court decision and identify whether there are legal grounds to re-adjudicate the case.

133.5. A court shall resolve the application in a trial and make an order either to accept or reject the application.

133.6. If a court accepts the newly found circumstances, it shall annul the previous court decision and shall adjudicate the case again.

Article 134. Annuling a decision which has been enforced

134.1. If a court annuls an already enforced decision because of newly found circumstances, the issue of annulling the enforced decision shall be shifted to the court that first adjudicated the case for annulment of the enforced decision.

CHAPTER FIFTEEN ENFORCEMENT OF COURT DECISIONS

Article 135. Enforcement of court decisions

135.1. Actions related to enforcement of court decisions shall be carried out in compliance with Law on Enforcement of Court Decisions [\[8\]](#).

Article 136. Grounds for enforcement of court decisions

136.1. Enforcement of court decisions shall be for a court to decide and an execution order may be issued based on the decision.

CHAPTER SIXTEEN OTHER PROVISIONS

~~Article 137. Sanctions imposed for violation of the law~~

~~137.1. If a legal violation is not subject to criminal liability, a judge may impose the following sanctions on a guilty person in consideration of the characteristics of the violation and misconduct.~~

~~137.1.1. Failure to provide evidence as required by court, as in Provision 32.2 of this law, shall be subject to a fine of 1.5 times the minimal monthly wage.~~

~~137.1.2. Failure to provide counter comments required by the court within the time as in Provision 57.2 of this law shall be subject to a fine of 1.5 times the minimal monthly wage.~~

~~137.1.3. Failure to present at court for no good cause under Provision 59.10 of this law shall be subject to a fine of 1.5 times the minimal monthly wage.~~

~~137.2. For a defendant who fails to comply with a court decision and has been fined two or more times, a judge shall deliver a notice to the authorized upper level agency and senior officer to impose disciplinary sanctions as in the Public Service Law and related legislation.~~

~~137.3. An authorized senior officer and upper level agency receiving a notice as in Provision 137.2 of this law shall within 30 days impose disciplinary sanctions as in the law on a person who has failed to comply with a court decision, and shall inform that actions to the court.~~

Article 138. Law coming into effect

138.1. This law shall come into effect on 1 July 2016.

Z. Enkhbold, Speaker of the Mongolian Parliament